

CALIFORNIA
JOINT LEGISLATIVE SUNSET
REVIEW COMMITTEE FINDINGS AND
RECOMMENDATIONS

**Review and Evaluation of the
Interior Design Certification Program**

**Report to the
Department of Consumer Affairs**

FEBRUARY 1996

TABLE OF CONTENTS

Summary of Current Regulation . . . : 1

Review of Need for the
Interior Design Certification Program 6

SUMMARY OF CURRENT REGULATION

Background

- Over the past 20 years, there have been several efforts to license interior designers. The most significant began in 1983, when Senate Bill 530 was introduced to establish a State Board of Examiners of Interior Designers within the Department of Consumer Affairs and provide title protection to interior designers. This Title Act would have prohibited the use of the title "interior designer" by persons not licensed, but it did not prohibit persons from performing the same tasks as an interior designer. There were a number of arguments against providing a Title Act and Board for the interior design profession, but the most persuasive is that it would not protect the consumer from other persons who performed similar tasks under another title such as interior decorating consultant.
- Another "Title Act" bill was introduced in 1984, but rather than a separate board, it would have established an Advisory Board under the Bureau of Home Furnishings. This measure failed for some of the same reasons as SB 530. In 1985, Senate Bill 790 was enacted which made a change in the Architect's Practice Act (Section 5538 of the Business and Professions Code). The alleged impact of this change was that some building officials interpreted the revised language as meaning only licensed persons could submit plans and drawings for any construction features related to the health and safety of the public. Consequently, according to several sources in the construction and design professions, interior designers were prevented from performing tasks that were traditionally associated with their profession. The California Legislative Conference on Interior Design (CLCID), a non-profit association, subsequently introduced Senate Bill 354 which authorized a study to be performed on the desirability of licensing interior designers.
- The study was completed in 1989, and recommended that interior designers be licensed with a practice act that legislates their scope of practice. In 1990, CLCID introduced legislation to license interior designers (SB 153, Craven). Again, the Legislature was not willing to create a licensing Board for interior designers, nor establish a Practice Act for this profession. However, the Legislature and the Governor were willing to create a "Title Act" for "certified interior designers" and allow for a private, voluntary self-certification program. An "interior design organization" would administer the certification program. (Such programs have been enacted in the past when the Legislature determines

that licensure is uncalled-for, at least initially, but the public interest would be served by statutory recognition of a professional or occupational practice and its associated training and knowledge base. The interior designers' certification law was modeled after the dietitians' statute which is administered by the Department of Health Services. The law does not restrict persons from doing interior design work, but does provide "title protection" to those persons who have completed the requirements to become a "certified" interior designer.)

- **Specifics of the Interior Design Certification Program.** After SB 153 passed and became effective January 1, 1991, CLCID -- the initial "interior design organization" -- appointed a multidisciplinary task force of interior designers to plan the implementation of voluntary self-certification. The result of their efforts was to establish the California Council for Interior Design Certification (CCIDC) in January 1992 as a nonprofit mutual benefit corporation. A board was established with six (6) institutional representatives, one (1) independent practicing interior designer, and two (2) public members. CCIDC's board approved bylaws to define classes of membership, govern appointment of directors, and specify the roles and responsibilities of the board and staff. The board also adopted Administrative Rules and Regulations to govern the application for certification, issuance of certification, and discipline of Certified Interior Designers (CIDs).

To become certified, interior designers must complete and meet specified educational and experience requirements, submit an official application form, pay the required fees, and pass an exam administered by the National Council of Interior Design Qualification (NCIDQ). Upon completion of these prerequisites, the certified interior designer receives a stamp from CCIDC which includes a number which uniquely identifies and bears the name of the person. The stamp is used to affirm interior design documents (and differentiate such documents from engineering or architectural documents) submitted to local building officials.

Since its inception in 1992, CCIDC has received applications for voluntary certification from 5,798 interior designers and has approved certification for 3,431. Through December 31, 1992, interior designers could apply for certification in California with a combination of eight years of education and diversified experience, provided that they also pass one part of the NCIDQ exam, the "Building and Barrier Free Codes" section, by December 31, 1993. (This was permitted under Section 5801.1 of the Business and Professions Code, referred to as the "grandfathering" provision.) In January 1, 1994, the "grandfathering" provision sunsetted. During this time, 80% of currently certified interior designers qualified

under the "grandfathering" provision (out of 3,431 certified to date, 2,748 were grandfathered in by January 1, 1994).

Budget

- Revenues received in 1992 were \$847,000, while expenditures were only \$208,000. This left a fund balance in 1992 of approximately \$639,000. In 1993 revenues decreased to \$446,000, while expenditures increased to \$400,000. Since 1993, there have been smaller increases and decreases in revenues and expenditures. However, CCIDC still had a substantial reserve at the end of 1994 of approximately \$551,000. It is projected that they will have a reserve of at least \$482,000 by the end of 1996. [See Attachments, for "CCIDC's Revenues and Expenditures" for 1992-1996.]

Fees

- CCIDC charges a fee of \$150 for application processing; this fee is nonrefundable. The total fee for initial certification, including the application processing fee and \$200 for member dues, is \$350. Approximately 3,400 Certified Interior Designers (CIDs) pay annual dues of \$100. Certification expires after two years; thus, CIDs renew their certification every two years at which time they pay two years' worth of annual dues (\$200 every two years). The fee for a replacement certificate/indentification card or stamp is \$35 each.
- CCIDC collects penalties for failure to notify the Board of a change of preferred mailing address within 60 days (\$50) and for delinquency in certification renewal (50 percent of the renewal fee in effect at the time of application for renewal).

Education and Experience Requirements

- Certification as an interior designer signifies that an individual has met the following education and experience requirements:
 - ⇒ Graduation from a four- or five year accredited design degree program, plus two years of diversified interior design experience;
OR
 - ⇒ Completion of a three year accredited interior design certificate program, plus three years of diversified interior design experience;
OR
 - ⇒ Combination of interior design education and/or diversified interior design experience totalling eight or more years.

Examination

- As already noted, applicants for certification must provide proof that they have passed the qualifying exam administered by the National Council for Interior Design Qualification (NCIDQ). (The NCIDQ is an independent not-for-profit organization. It was established in 1972 and incorporated in 1974 to issue credentials to qualifying professional interior design practitioners.) The exam is administered twice a year, once in the spring and once in the fall, in approximately 80 locations throughout North American. Beginning in the Spring of 1996, applicants will also be required to pass the California Code and Regulation Exam (CCRE). This examination was developed by CCIDC to test applicants' knowledge of California-specific standards related to Building and Barrier Free Codes. The NCIDQ will administer both exams.
- The NCIDQ exam is in six-parts and tests: building and interior systems; programing, planning and pre-design; contract documents; knowledge of codes and standards; theory; business and professional practice; project coordination; furniture, fixtures, equipment and finishes; communication methods; and, history. The CCRE exam will test: the permit process; general building regulations; accessibility; exiting; fire codes and regulations; plumbing codes; energy efficiency; electrical codes; mechanical codes; occupational safety and health administrative regulations; air quality standards; mechanics lien law; and, business and professions code.
- For purposes of exam validation, groups of professional interior designers review and update the NCIDQ exam on an ongoing basis. In addition, every seven to ten years, NCIDQ conducts a "job analysis" to determine whether the knowledge and understanding of tasks tested for in the exam are truly relevant to the services performed by an interior designer, without regard to specialty. The most recent job analysis was completed in February 1988, by an independent testing service (Educational Testing Service of Princeton, New Jersey). Based on the findings of the 1988 job analysis, NCIDQ upgraded the exam in 1990 from a two-part format to a six-part format. The new format represents a shift from standardized testing, which relies on academic recall, to performance testing, which places a greater emphasis on practical experience and the ability to perform tasks.
- Passage rates for all six-parts of the NCIDQ exam are very low. In the Fall of 1993, only 19% passed all six-parts of the exam. In the spring and fall of 1994, only about 16% on average passed the exam, and in the spring of 1995 the passage rate increased to 27%. It is indicated that

many do not attempt to take all six parts at once. Therefore, passage rates increase dramatically for each part of the exam, and the passage rates in California are somewhat consistent with the national norm for passage of each part of the exam.

Enforcement

- CCIDC asserts that it can take three enforcement type actions: (1) it can *deny certification* to applicants who fail to meet the eligibility requirements and qualification standards; (2) *suspend or revoke certification* in response to verified violation(s) by a certified interior designer of its Administrative Rules and Regulations and/or Code of Ethics and Conduct; and, (3) *notify* uncertified interior designers who represent themselves as certified -- in violation of Section 5804 of the Business and Professions Code (unfair business practice) -- to cease and desist.
- It appears as though CCIDC has only received three complaints since it began operation in 1992, but none of these complaints pertained to "certified" interior designers. It has taken action against three individuals, but this only involved the sending of a cease and desist letter to two interior designers who were not certified, and one who was. [The issue of sending out cease and desist notices to uncertified and certified interior designers alike, will be discussed further in this report.]

REVIEW OF NEED FOR INTERIOR DESIGN CERTIFICATION PROGRAM

ISSUE: Should the State continue with the certification of interior designers and allow for the continuation of an "interior design organization, or should some other alternative form of regulation be recommended?"

THEIR **RECOMMENDATION:** was

The interior design certification program should be allowed to sunset on July 1, 1997. In the meantime, legislation should be enacted which would delete any requirements by a local government agency that drawings, specifications, or documents prepared be affixed by a stamp from a "certified interior designer."

FINDINGS:

1. *There is a concern that the interior design law provides for a state-sanctioned cartel, when a private association could perform the same function. Only a select few are allowed to become certified (only 3300 interior designers are certified while 5800 have applied), and any requirement of stamp certification by governmental agencies may restrict competition for a large number of otherwise qualified interior designers.*

- There are currently four professional membership organizations for interior designers which provide some form of certification and continuing education, along with the requirement that members successfully complete the NCIDQ examination. These professional associations include: the American Society of Interior Designers, Institute of Business Designers, Interior Design Educators Council, International Society of Interior Designers. There are two other professional groups, the Interior Design Society and the International Furnishings and Design Associates, but it is unknown what requirements they place on membership. A member from each of these organizations currently serves on the CCIDC Board.
- No argument is presented why a state-sanctioned "interior design organization" is necessary, separate and apart from that of a private non-profit association which is formed by the voluntary membership of those

who wish to be referred to as "certified" interior designers. The primary argument for state authorized "certification," is that there is less confusion among those who must rely on the work of interior designers, such as local city and county building officials, and the existing process of certification employed by associations do not set the same standards. However, there is no concern expressed over what entity must provide certification of interior designers in California. CCIDC is basically an information and education organization which promotes membership in the organization, and is dominated by industry members on the board. There is no reason why the State should be involved promoting one profession over that of another.

A private association, such as the California Legislative Council on Interior Design, could perform the same function, as long as no other state requirements need to be implemented. However, the provision that all drawings, specifications, or documents prepared for submission to any government regulatory agency by a certified interior designer, or under his or her supervision shall be affixed by a stamp, does carry with it the appearance of a state mandated program, and the need for oversight by an entity authorized by the state.

- Since its inception in 1992, CCIDC has received applications for voluntary certification from 5,798 interior designers and has approved certification for 3,431. Out of 3,431 certified to date, 2,748 were grandfathered in by January 1, 1994. This means that a selected few, 683, or about 20% percent of interior designers, have had to meet all the requirements to become certified (including taking the six-part NCIDQ exam). Becoming a certified interior designer will now be even more difficult with the new requirement that applicants pass an additional examination, called the "California Code and Regulation Exam."
- It is difficult to determine the total number of interior designers practicing in California, estimates range from 15,000 to 20,000. (There is an estimated 200,000 nationwide.) This is possibly a conservative estimate, since many interior designers are employed by architectural firms and others are employed in the interior design departments of large organizations such as banks, medical facilities, and hotels. The former already work under an architect's license and the latter function as a liaison between the firm for which they work, and the contract interior designers hired to complete the project. They have no reason to be certified.

Another group involved in interior design type work, who are less inclined to become certified, are those persons who serve residential

clients, or are called "interior decorators." These professionals may perform some commercial work such as on doctors or attorneys offices, but generally they advise clients on how to newly decorate all or a specific part of an already completed building, and shop for, purchase, or sell items such as furniture, draperies, carpet, and accent pieces.

The only group concerned with certification are those who do primarily commercial type work. The majority of jobs performed by these professionals require building permits and they are more likely to work on such projects as tenant improvements (such as organizing interior spaces for tenants of shopping malls and industrial park buildings). They design nonstructural components of buildings, work with the Uniform Building Code (UBC), and draw plans and construction drawings for their projects. They are the most likely to perform jobs where they come in contact with fire, retrofit, and barrier free codes. They may be required to provide local building officials with some proof of competency beyond that which would be required for any of the other groups mentioned. It is argued that requiring a stamp issued by CCIDC, stating "certified" by an interior designer, on architectural plans or engineering plans provides this assurance.

- Because of the number of other professional organizations which certify interior designers, and the large percentage of those who were "certified" without the need to pass the entire NCIDQ exam, there does not appear to be any real assurance that CCIDC "certified interior designers" will be any more competent than those who received certification from another organization. There are those practicing interior designers who may be just as competent as those who have gone through the difficult process of receiving certification from CCIDC. By requiring another exam, and placing other restrictions on interior designers before they can perform such things as tenant improvements, CCIDC may be restricting competition for a large number of otherwise qualified interior designers. The State has become, in effect, an unwitting participant in an effort to preclude participation in particular interior design work unless the individual is processed through the CCIDC system.
- Generally, local building officials can make some determination about competency without the need for stamped certification by an interior designer from CCIDC. There has been no evidence provided that building officials are even concerned about whether or not an interior designer is certified by CCIDC. Proof of certification, whether it be from another nationally recognized professional organization, or some private non-profit organization in California, should meet the concerns of local building officials. Any requirements beyond that for interior design work, and

submission of plans or drawings, should be revised or eliminated. There should be no need for a "wet stamp" or certification by an interior designer, or for the signature of another licensed professional, if the work involves interior design.

2. There is a concern that the state has created a state-sanctioned organization, the California Council for Interior Design Certification (CCIDC), which can raise fees and revenues without any oversight. (CCIDC receives about \$400,000 per year in membership dues, and has about \$550,000 in excess revenues as of 1994.)

- Although considered as a voluntary certification program, the need for stamp certification from CCIDC on plans submitted by interior designers to building officials, carries with it a mantle of governmental authority when in fact there was no intent to create a governmental entity at all. Because of this requirement, those interior designers usually involved in the area of tenant improvements are forced to join this organization and pay whatever fees are set by CCIDC. Everyone wanting to be certified and receive a stamp must pay a processing fee of \$150, annual dues of \$100, and an examination fee \$525. These fees are not set in statute, nor is there any oversight provided by the Legislature. Although CCIDC may appear as if it is ultimately responsible to the membership of the organization, members really have no control over the boards decisions concerning the fee structure or other requirements, unlike other voluntary professional organizations.
- CCIDC currently has \$550,000 in excess revenues, while its yearly budget started out as approximately \$208,000 and has grown to over \$471,000 by 1995. Most of the cost is for salaries and use of consultants (accountants, attorneys, lobbyists, public relations and others). The fund balance for 1994, and up to 1996, will still be excess of one year of budget expenditures. The Legislature has made a concerted effort over the past two years to lower the reserves (excess revenues) of its consumer-related boards, and provide when possible a proportionate decrease in the amount of fees paid by licensees. Three months of reserves has been considered as financially prudent, and the Legislature has warned boards to make the appropriate reductions in fees. However, as mentioned, the Legislature has no control over the revenues and expenditures of CCIDC even though funds are being raised by a state-sanctioned organization. Members have no recourse but to pay the fees assessed to receive and keep certification, and have no where to complain or effect changes in fees. Monies are used to assure the organization continues and promote the profession for those certified, not to provide any real health or safety benefits to the consumer.

3. *It appears that over 80% of the current certified interior designers were "grandfathered" in when the interior design law was passed in 1990. (Out of 3431 currently certified, only 683 have been required to meet all of the requirements to become certified by CCIDC.) It is unknown how many otherwise competent interior designers/decorators may have been prevented from seeking certification.*

- As mentioned, only 20% of currently certified interior designers have had to meet all of the current requirements to be certified by CCIDC. Grandparenting of interior designers was included in Chapter 396 (SB 153, Craven) pursuant to the specific intent of the Legislature. CCIDC argues that they did not dictate the qualification conditions for grandparenting; rather, in Section 5801.1, it was the Legislature that mandated the simple testing requirements. However, it was also the intent of the interior designers to distinguish themselves from "decorators" and not allow the grandfathering of all those involved in the interior design/decorator business. This is evident by the arguments which were made when licensure was proposed. This was possibly the primary reason for creating what was a hybrid certification requirement for those interior designers who had at least eight years of interior design education and diversified interior design experience, and for the need to pass one part, the "Building and Barrier Free Codes section," of the NCIDQ exam. Only a select few would meet these requirements.
- Out of 5,798 applications submitted to date, 3,431 are currently certified. A total of 5,654 applicants applied under Section 5801.1, the grandfathering provision, and 2,748 (or 80%) were grandfathered in by January 1, 1994. This means that about 49% of those who applied under Section 5801.1 were actually certified. CCIDC gives no indication why more didn't apply under the grandfathering provision, but it would be safe to say that the education and experience requirements may have prevented many otherwise competent interior designers and decorators from applying for certification.

4. *Section 5538 of the Business and Professions Code, pertaining to the unlicensed practice of architecture, does not prevent unlicensed interior designers from performing work for local building officials.*

- In 1986, Section 5538 of the Business and Professions Code was changed and caused some confusion over whether or not local officials would accept drawings or plans from "unlicensed" interior designers. As amended, this Section 5538 allowed unlicensed persons to design interior alterations so long as the plans for such alterations were not of "components affecting the safety of any building or its occupants, including, but not limited to,

structural and seismic components." Because there was no clear definition concerning what "components" affect safety, some local building officials took a more conservative approach and decided that no one without a license could submit plans or drawings to them.

- As pointed out by CCIDC, the potential for significantly different interpretations of Section 5538 from one local jurisdiction to another, made regulation of the interior design profession compelling for interior designers performing work which was reviewed by building officials. However, there was no mention made by CCIDC, that the cause of this confusion was eliminated when Section 5538 was amended once again, almost back to its original form in 1990 (SB 153, Craven). It was clear from the amendment made by SB 153, that unlicensed persons could make design interior alterations provided those alterations did not change or affect the "structural system or safety of the building," and absent some other requirement, local jurisdictions would be capable of making their own decisions regarding the work of particular interior designers.

5. There appears to be great potential for confusion and/or misrepresentation by interior designers who use the certification terminology when advertising their services. In responding to this problem, it does not appear that CCIDC is authorized to notify non-certified interior designers to cease and desist when they are referring to themselves as "state certified" or "certified." The appropriate remedy would be under Section 17200 of the Business and Professions Code pertaining to "Unfair Business Practices."

- There has been some confusion about when a person may advertise as a "certified interior designer," even though they have not been certified by CCIDC. Section 5804 of the Business and Professions Code provides that it is unfair business practice for any certified interior designer or any other person to advertise. . . that he or she is "state certified" to practice interior design. The intent of this statute was to prevent the public from being misled that the state was somehow involved in the certification of interior designers, or that the state had created a "Title Act" for interior designers. It was not intended, as has been argued by CCIDC, that this would prevent anyone else from claiming they were a "certified interior designer."
- CCIDC sought legal advice regarding their authority to take an "enforcement action" against those who claimed to be "certified," not just "state certified." It is unclear when CCIDC first received legal advice concerning this issue, but they provided the JLSRC a copy of a legal opinion dated December 15, 1995. The opinion stated that the obvious

intent of Section 5804 was to preclude designers who are not certified by a qualified interior design organization from claiming to be "state certified" or "certified" unless the interior designer has provided an interior design organization with evidence of the requisite skill specified in Section 5801 of the Business and Professions Code. This interpretation of Section 5804 was incorrect.

The only purpose of Section 5804, as indicated, was to assure that the public was not misled into believing that the state was somehow involved in the certification of interior designers. There was no intent on the part of the Legislature to grant any enforcement action to CCIDC, nor grant any standing for CCIDC to send cease and desist letters to those persons who are not directly certified by CCIDC. The appropriate remedy would be under Section 17200 et seq. of the Business and Professions Code pertaining to any "Unfair Business Practice."

There was no intent to create any exclusive certification program under CCIDC. One or more certification design organizations could have been formed under Section 5800 of the Business and Professions Code. There was also the recognition that other professional organizations certified interior designers.

- CCIDC provided copies of cease and desist letters which had been sent to both certified and non-certified interior designers. Almost all indicated an inappropriate use of authority by CCIDC to prevent further advertising by practitioners who were not certified by CCIDC.

6. Since CCIDC has limited enforcement capability, there is concern that enforcement authority, which is not generally applicable, may give a false sense of security to the interior designers' clients and the general public.

- CCIDC reports very minimal complaint activity, none of it in relation to its members. There is an indication that its enforcement emphasis has been more in the area of uncertified activity.
- With respect to enforcement, CCIDC states that its role is limited, and absent "a change in the law to mandate certification or licensure, it is hard to imagine how CCIDC's performance as an enforcement agency could be improved." As an administrator of a voluntary certification program, CCIDC, or any similar organization, can deny certification to applicants; it can enforce its standards of professional and ethical practice on its certified members; and it can revoke certification of its members.

- As indicated, CCIDC's has limited enforcement capability, and only as it pertains to its own members. There is a concern that enforcement authority that is not generally applicable may give only a false sense of security to the interior designers' clients and the general public.

7. *The exam passage rate for first time candidates is very low. Since 1993, the average passage rate was 19%. Out of about 300 graduates in interior design per year, it would appear as if less than one-third attempt to become certified by CCIDC.*

- Passage rates for all six-parts of the NCIDQ exam are very low. In the Fall of 1993, only 19% passed all six-parts of the exam. In the spring and fall of 1994, only about 16% on average passed the exam, and in the spring of 1995, the passage rate increased to 27%. It is indicated that many do not attempt to take all six parts at once. Therefore, passage rates increase dramatically for each part of the exam, and the passage rates in California are somewhat consistent with the national norm for passage of each part of the exam.
- Since the grandfathering provision was eliminated, it would appear as if less than one-third of about 300 graduates per year from interior design schools sit for the NCIDQ exam. The number taking all or part of the exam in Spring 1994 was 117, in Fall 1994 it was 112, and in Spring 1995 it was 82.

8. *Since CCIDC is a state-sanctioned entity, it is unclear what procedures they must follow to discipline (suspend or revoke) or deny certification to interior designers.*

- A "Board" generally follows Section 474 et seq. of the Business and Professions Code to deny, suspend or revoke a "license." ("Board" under this provision includes a bureau, commission, committee, department, division, examining committee, program and agency. "License" includes certificate, registration or other means to engage in a business or profession regulated by this code.) It is unclear what, if any, of these legal requirements would apply to a state-sanctioned program which provides a certification to a profession, especially when there is no expressed intent to exclude an interior design organization from these requirements.
- The Board of CCIDC has adopted its own Administrative Rules and Regulations. These "Rules and Regulations" are similar to some of the provisions of Section 474 et seq., but do not provide all of the same procedures as outlined under this law.

9. *There is no evidence that the unregulated practice of interior design would endanger the health, safety or welfare of the public and cause significant public harm. There are a large number of interior designers performing similar types of work without any risk of harm to the consumer.*

- It is clear that the public health, safety and welfare is the major issue in deciding whether the State should be involved to any degree in the certification of interior designers. It must be demonstrated that at least some public harm would result if the State was not involved in the oversight of a particular profession. From information received and research completed, there is no evidence of public harm from poor interior design work.
- It has been stressed by CCIDC, that one of the principle concerns regarding public health, safety and welfare relates to fire safety and in preventing the spread of dangerous toxins as a result of fire.

Fire safety requirements are well regulated through Uniform Building Codes, by the Department of Housing and Community Development, Office of State Fire Marshal, local agencies and fire department inspections. In particular, the Uniform Building Codes (or State Building Standards Code) specify the types of fire resistant materials which must be used in the construction and design of buildings, both in the exterior and the interior. Also, in certain circumstances, no interior design work may be done without a building permit. Therefore, in some interior design work, strict adherence to Uniform Building Codes must be observed. Also, the California Division of Occupational Safety and Health receives complaints about unsafe work environments and a check of this organization found no complaints against unsafe interior designers. It is also particularly important, in the area of Uniform Building Codes, that all professions and trades adhere strictly to the specifications. It is unclear whether reliance on the certification and stamp of an interior designer will either improve or detract from strict adherence to these codes.

Other areas concerning health, safety and welfare of the public are in the emission of toxic fumes from burning materials, bacterial spread from furnishings, inadequate lighting, improper color use, improper glass selection and so on. However, in all these areas there was no evidence presented that there has ever been any danger to the public by persons operating as certified or noncertified interior designers.

There are also other checks and balances within the community to ensure public protection is being maintained. Regulation of other organizations, such as architects, electricians, plumbers and the like ensure the public is well protected.

10. *There does not appear to be any significant public demand for the regulation of interior designers, and there are a large number of those within the profession who do not seek certification.*

- There has not been any evidence supplied that the public needs or demands certification of interior designers. It is agreed that environments need to be safe, functional, comfortable and aesthetically pleasing, and that services must be performed by individuals who are both ethical and competent. However, there is nothing to the contrary to suggest that this is not currently occurring with the large number of interior designers who have not been certified by CCIDC. There appears to be no public outcry on the matter, nor is there any evidence of a wrong being perpetrated by the various "noncertified" practitioners operating in this field.
- While building officials have praised the CCIDC private certification program, it appears that the reliance they place on certification would be undiminished if the current statutory endorsement were to sunset.

11. *There are only 18 other states which regulate interior designers.*

- Of the 18 other states that regulate interior designers, 4 states regulate both practice and title (i.e., a licensing program). Of the remaining 14 states, most regulate title, either by certification or registration via an independent board, or an umbrella agency that encompasses multiple professional designations. Only California provides for voluntary certification by a non-governmental entity.

12. *Most of the consumers of certified interior designers are more sophisticated than the average public about purchasing those services, and can therefore readily evaluate the performance of the interior designer.*

- Individual consumers rarely engage the services of a certified interior designer. Members of this profession work mainly with architects as subcontractors or consultants for the development of plans for corporate or public buildings. Those certified by CCIDC assist in planning space or primarily tenant improvements for developers, architectural and construction firms, and public agencies. These are sophisticated

consumers who usually have an ongoing working knowledge of the competency of interior designers and usually have repeat business with certified interior designers.

13. *It is argued that parity should exist for interior designers with other building-related design professionals -- namely architects, engineers, and landscape architects -- by continuing with the state-sanctioned certification program, or by providing licensure for interior designers. However, the state does not regulate and license occupations for the sole purpose of providing parity. A 1995 study also found that the annual cost of licensing interior designers could cost approximately \$8 million.*

- CCIDC notes that "the increasing integration of architecture, design and construction has given rise to the suggestion that [regulation] of these professions should be consolidated." While they do not take a position on whether the integrated regulatory program would involve registration, certification, or full licensure, CCIDC advocates parity for interior designers with other design service professionals, including architects, engineers, and landscape architects, but excluding contractors. A 1995 study by the California State University School of Business, "A Study to Determine the Need to License Interior Designers," estimated the annual cost of a licensing program for interior designers to be approximately \$8 million.
- The only time there is a need for state involvement, or to condone any regulatory function, is to protect the public from potential health or safety risk that could result in death or serious injury, or severe financial harm. The Legislature has already decided that licensure is not necessary, but that self-certification was the least restrictive form of oversight which was necessary. This issue is whether the state needs to be involved to any significant degree in sanctioning a private certification program. To provide parity for interior designers with other design type professionals would not be a good enough reason.

14. *In summary, there are general concerns that CCIDC, as a monopolistic private entity, can require membership for purposes of certification, can charge whatever it chooses for certification, and can adopt onerous or discriminatory membership and/or certification criteria. While CCIDC's present program appears to be an exemplary private certification program, there is a concern regarding the future accountability of such programs and organizations.*